

*16 MAY 20 P1:50 NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

THE COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, June 15, 2016, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Bill No. 2629

A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE

This Bill proposes to amend Section 22-8.2, Kaua'i County Code 1987, as amended, by adding a new subsection "(o)", relating to Smoking Prohibited in Certain Areas. The purpose of this Bill is to prohibit smoking in any motor vehicle, when the vehicle is occupied by a person less than eighteen years of age.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the proposed Bill are available at the Office of the County Clerk, Council Services Division.

(The Council or Council Committee may amend this Bill at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2629 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on May 18, 2016, by the following vote:

AYES: Chock, Hooser, Kagawa, Kaneshiro, Kualī'i, Yukimura,	
Rapozo	TOTAL – 7,
NOES: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0.

Līhu'e, Hawai'i
May 19, 2016

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – May 25, 2016)

**A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUA'I
COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A
MOTOR VEHICLE**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Section 22-8.2, Kaua'i County Code 1987, as amended, is hereby amended by adding a new subsection (o) as follows:

"Sec. 22-8.2 Smoking Prohibited in Certain Areas.

Except as otherwise provided in Chapter 22, Article 8, smoking shall be prohibited in the following places within the County of Kaua'i:

(a) Any restaurant, except as defined as a "part-time restaurant/bar," only when operating as a bar, and a separate open air area of a restaurant in this Article.

(b) Elevators in buildings generally open to and used by the public, including elevators in apartment and other multi-unit residential buildings.

(c) Patient rooms, wards, waiting rooms, lobbies and public hallways of public and private health care facilities including, but not limited to, hospitals, clinics, and physicians' and dentists' offices.

(d) Any room which is primarily used for exhibiting any motion picture, stage drama, dance, musical performance or other similar performance during the time that the room, hall or auditorium is open to the public for such exhibitions.

(e) Museums, libraries and galleries.

(f) Any enclosed or partially enclosed area or building owned, leased, operated, or maintained by the County, except any dwelling unit. As used in this Subsection, "dwelling unit" shall have the meaning ascribed to it in K.C.C. Sec. 8-1.5 of the Comprehensive Zoning Ordinance for the County of Kaua'i. In addition to those buildings owned, leased, operated, or maintained by the County where smoking is prohibited under this Paragraph (f), the Fire Chief may prohibit smoking in any other building or enclosed area of public assemblage owned or operated by the County of Kaua'i when in his or her opinion to do so would promote the public health, welfare or safety. The Fire Chief may exercise his or her authority to prohibit smoking by posting signage pursuant to Sec. 22-8.4(c).

(g) Except as provided in Sec. 22-8.3 or as limited by this Paragraph (g), all areas in business or charitable establishments. For purposes of this Paragraph (g), a “business” means any sole proprietorship, partnership, joint venture, business trust, limited liability company, business corporation, professional corporation, or other business entity formed for profit-making purposes, and “business establishment” includes, but is not limited to, any of the following establishments operated by a business:

- (1) Any school;
- (2) Any hotel, except individual hotel rooms, separate open air areas, and bars;
- (3) Any financial institution;
- (4) Any industrial, commercial or wholesale establishment;
- (5) Any utility;
- (6) Any retail establishment where goods or services are sold, leased or otherwise provided to the public or to another business including, but not limited to, food and grocery stores;
- (7) Any restaurant; provided that smoking shall be permitted in a restaurant under the following circumstances: Smoking shall be permitted in a separate open air area of a restaurant when the business operating the restaurant refrains from designating the area as nonsmoking pursuant to Subsection (i) of this Section.

(h) Restrooms. Any restroom open to the public in places specified in this Section.

(i) Notwithstanding Sec. 22-8.3, any area of any bar, hotel room, nightclub, or governmental property which has been designated by the owner, operator, manager or other persons having control of such property as a nonsmoking area and marked with a “no smoking” sign or signs.

(j) All enclosed or partially enclosed areas within multifamily dwellings that are open to the common use of all unit owners or residents including, but not limited to, lobbies, hallways, corridors, stairways, waiting areas, and recreation areas within multifamily dwellings. For purposes of this Subsection, “enclosed or partially enclosed areas” means areas closed in by a roof or overhang and at least one (1) wall. An area commonly described as a lobby or roofed mall shall be deemed enclosed or partially enclosed for purposes of this Subsection.

(k) All enclosed or partially enclosed areas within commercial buildings not subject to the exclusive use and possession of a tenant and open to the common use of the tenants of the building and their employees and customers including, but not limited to, common entrance areas, lobbies, malls, hallways, corridors, escalators, stairways, and waiting or rest areas within commercial buildings.

(l) In the event the building is both a multifamily dwelling and a commercial building, all areas except for private residences.

(m) All areas within recreation areas or facilities under the maintenance of the Department of Public Works' Division of Parks and Recreation, except such areas within each area or facility as the Department may, with the approval of the Fire Chief as to facilities, designate by appropriate signs as areas within which smoking is permitted. County parks shall not constitute "recreation areas or facilities" within the meaning of this Subsection.

(n) Any child care, adult day care or health care facility.

(o) In any motor vehicle, whenever occupied by a person less than eighteen (18) years of age."

SECTION 2. Material to be deleted is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Kaua'i County Code 1987, the brackets, bracketed material, and underscoring need not be included.

SECTION 3. This Ordinance shall take effect upon its approval.

Introduced by:



MASON K. CHOCK

DATE OF INTRODUCTION:

May 18, 2016

Lihu'e, Kaua'i, Hawai'i

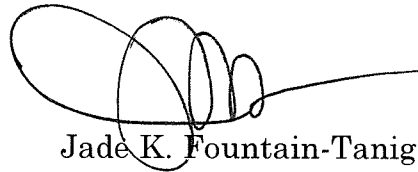
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2629, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on May 18, 2016, by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i
May 19, 2016



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i